



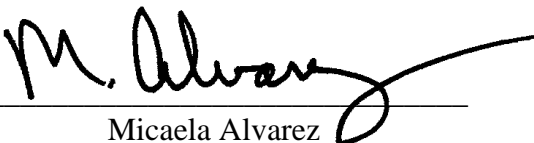
First, Plaintiff's Motion consists of two pages—a conclusory assertion that Defendants have failed to comply with the EEOC's remedial order, without *any* reference to supporting evidence. Thus, Plaintiff blatantly ignores his summary judgment burden of *demonstrating* the absence of genuine fact issues as to each element of his claims. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 263 (1986). Indeed, since Plaintiff will bear the burden of proof at trial as to all of his claims, his summary judgment burden is unusually hefty. *See Irby v. Bittick*, 44 F.3d 949, 953 (11th Cir. 1995) ("If the moving party bears the burden of proof at trial, it must demonstrate that on all the essential elements of its case on which it bears the burden of proof at trial, no reasonable jury could find for the non-moving party."); *United States v. Four Parcels of Real Property*, 941 F.2d 1428, 1438 (11th Cir.1991) (en banc) ("When the moving party has the burden of proof at trial, that party must show affirmatively the absence of a genuine issue of material fact: it must support its motion with credible evidence . . . that would entitle it to a directed verdict if not controverted at trial."); *Chanel, Inc. v. Italian Activewear of Florida, Inc.*, 931 F.2d 1472, 1477 (11th Cir. 1991) ("[P]articularly where . . . the moving party is also the party with the burden of proof on the issue . . . the movant . . . [must] . . . satisf[y] its burden of demonstrating there is no genuine dispute on *any* material fact.") (emphasis added); *Wasserman v. Bressman*, 327 F.3d 229, 238 (3d Cir. 2003) (stating that, in this circumstance, the moving party bears "the burden of supporting their motions "with credible evidence . . . that would entitle [them] to a directed verdict if not controverted at trial." (citing *Celotex*, 477 U.S. at 331 (Brennan, J., dissenting))); *Chaplin v. Nationscredit Corp.*, 307 F.3d 368, 372 (5th Cir. 2002) ("To obtain summary judgment, if the movant bears the burden of proof on an issue . . . he must establish beyond peradventure all of the essential elements of [his claim] to warrant judgment in

his favor."). Second, it is rather clear that evidence conclusively showing Defendants' liability simply does not exist in the record.

Accordingly, Plaintiff's Motion, which amounts to little more than a passing and perfunctory request for summary judgment, warrants summary rejection: it is **DENIED**.

IT IS SO ORDERED.

Done this 16th day of July, 2007, in Laredo, Texas.

  
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Micaela Alvarez  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.**